



October 5, 2023

Via Email

David Davis
Director, St. Louis District Office
Equal Employment Opportunity Commission
Robert A. Young Federal Building
1222 Spruce St., Rm 8.100
St. Louis, MO 63103

Re: *REAL Women in Trucking et al. v. Stevens Transport*

Dear Director Davis,

We represent REAL Women in Trucking, a non-profit membership organization that works to improve the lives of female truck drivers, and three women truck drivers who were denied truck driver positions by Stevens Transport because they are women (“the Complainants”).

We are writing to file the enclosed pattern or practice sex discrimination charge against Stevens Transport on behalf of the Complainants. Attached to the Complainants’ charges are the consolidated particulars associated with all four charges. The Complainants seek to represent a class of all women truck drivers nationwide who have been denied equal opportunity in obtaining truck driver positions with Stevens Transport. The Complainants respectfully request that the Equal Employment Opportunity Commission open and engage in a thorough investigation of Stevens Transport’s policy or practice of refusing to hire women truck drivers or delaying their hiring, namely through the Stevens Transport’s “same-sex training policy” in which the company only allows women to train for driving positions at Stevens with women instructors and does not have enough women instructors to train most qualified women applicants.

We and our clients look forward to working with you and the Commission on this matter. You can reach us at the following telephone numbers and e-mail addresses: Peter Romer-Friedman, 202-355-6364 or peter@prf-law.com; Liz Chacko, 202-571-8758, lchacko@nwlc.org.

Sincerely,

Peter Romer-Friedman

Liz Chacko
Emily Martin
Jennifer Mondino
Elizabeth Vogel

<p>CHARGE OF DISCRIMINATION</p> <p><small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small></p>		<p>Charge Presented to: Agency(ies) Charge No(s):</p> <p><input checked="" type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC</p>
<p>EEOC and Missouri Commission on Human Rights</p> <p><i>State or local Agency, if any</i></p>		
<p>Name <i>(indicate Mr. Ms. Mrs.)</i></p> <p>REAL Women in Trucking (Desiree Wood, President)</p>	<p>Home Phone (Incl. Area Code)</p> <p>(202) 355-6364 (Counsel)</p>	<p>Date of Birth</p> <p>N/A</p>
<p>Street Address</p> <p>631 Lucerne Ave. Suite 27</p>		<p>City, State and ZIP Code</p> <p>Lake Worth Beach, FL 33460</p>
<p>Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. <i>(If more than two, list under PARTICULARS below.)</i></p>		
<p>Name</p> <p>Stevens Transport</p>	<p>No. Employees, Members</p> <p>6,000+</p>	<p>Phone No. (Include Area Code)</p> <p>972-216-9000</p>
<p>Street Address</p> <p>9757 Military Pkwy.</p>		<p>City, State and ZIP Code</p> <p>Dallas, TX 75227</p>
<p>Name</p>	<p>No. Employees, Members</p>	<p>Phone No. (Include Area Code)</p>
<p>Street Address</p>		<p>City, State and ZIP Code</p>
<p>DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i></p> <p><input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)</p>		<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <p>Earliest 12/9/2022 or earlier</p> <p>Latest – continuing</p> <p><input checked="" type="checkbox"/> CONTINUING ACTION (regarding the systemic practice of retaliation)</p>
<p>THE PARTICULARS ARE <i>(If additional paper is needed, attached extra sheet(s)):</i></p> <p>Please see attached for particulars.</p>		
<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>		<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>10 / 04 / 2023</p> <p>_____</p> <p><i>Date</i></p>		<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>_____</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p><i>(month, day, year)</i></p>
<p>_____</p> <p><i>Charging Party Signature</i></p>		

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<p>EEOC and Texas Workforce Commission</p> <p><i>State or local Agency, if any</i></p>		
<p>Name <i>(indicate Mr. Ms. Mrs.)</i></p> <p>Ms. Kim Howard</p>	<p>Home Phone (Incl. Area Code)</p> <p>(202) 355-6364 (Counsel)</p>	<p>Date of Birth</p> <p style="background-color: black; color: black;">[REDACTED]</p>
<p>Street Address</p> <p style="background-color: black; color: black;">[REDACTED]</p>		<p>City, State and ZIP Code</p> <p style="background-color: black; color: black;">[REDACTED]</p>
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<p>DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i></p> <p><input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN</p> <p><input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER <i>(Specify below.)</i></p>		<p>DATE(S) DISCRIMINATION TOOK PLACE</p> <p>Earliest 04/16/2023 Latest – continuing</p> <p><input checked="" type="checkbox"/> CONTINUING ACTION <i>(regarding the systemic practice of retaliation)</i></p>
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<p>I declare under penalty of perjury that the above is true and correct.</p> <p>10 / 04 / 2023</p> <p style="text-align: center;"> [REDACTED] <i>Charging Party Signature</i> </p>		<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i></p>

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EEOC and Texas Workforce Commission <i>State or local Agency, if any</i>		
Name <i>(indicate Mr. Ms. Mrs.)</i> Ms. Ashli Streeter		Home Phone (Incl. Area Code) (202) 355-6364 (Counsel)
Street Address [REDACTED]		Date of Birth [REDACTED]
City, State and ZIP Code [REDACTED]		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. <i>(If more than two, list under PARTICULARS below.)</i>		
Name Stevens Transport		No. Employees, Members 6,000+
Street Address 9757 Military Pkwy.		Phone No. (Include Area Code) 972-216-9000
City, State and ZIP Code Dallas, TX 75227		
Name [REDACTED]		No. Employees, Members [REDACTED]
Street Address [REDACTED]		Phone No. (Include Area Code) [REDACTED]
City, State and ZIP Code [REDACTED]		
DISCRIMINATION BASED ON <i>(Check appropriate box(es).)</i> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 05/19/2023 Latest – continuing <input checked="" type="checkbox"/> CONTINUING ACTION (regarding the systemic practice of retaliation)
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I declare under penalty of perjury that the above is true and correct. 10 / 04 / 2023 <hr style="width: 100px; margin-left: 0;"/> Date		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT [REDACTED]
[REDACTED] <hr style="width: 100px; margin-left: 0;"/> Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i>

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Name (<i>indicate Mr. Ms. Mrs.</i>)		Home Phone (Incl. Area Code)	Date of Birth
Ms. [REDACTED]		(202) 355-6364 (Counsel)	[REDACTED]
Street Address		City, State and ZIP Code	
[REDACTED]		[REDACTED]	
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Name		No. Employees, Members	Phone No. (Include Area Code)
[REDACTED]		[REDACTED]	[REDACTED]
Street Address		City, State and ZIP Code	
[REDACTED]		[REDACTED]	
DISCRIMINATION BASED ON (<i>Check appropriate box(es).</i>)		DATE(S) DISCRIMINATION TOOK PLACE	
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		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i>	

**BEFORE THE
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**REAL WOMEN IN TRUCKING,
ASHLI STREETER, KIM HOWARD,
and [REDACTED],
on behalf of similarly situated
women truck drivers,**

Complainants,

v.

STEVENS TRANSPORT,

Respondent.

CLASS DISCRIMINATION CHARGE PARTICULARS

This charge is brought by REAL Women in Trucking, a non-profit membership organization that works to improve the lives of female truck drivers, and three women truck drivers, Ashli Streeter, Kim Howard, and [REDACTED] (“Complainants”), on behalf of all women truck drivers nationwide who have been denied equal opportunity in obtaining truck driver positions with Stevens Transport (“Stevens”), one of the nation’s largest refrigerated trucking companies.

In this class action charge, the Complainants challenge Stevens’ policy or practice in which the company routinely denies truck driving positions to women by only allowing women to train for driving positions at Stevens with women instructors and not having enough women instructors to train most qualified women applicants.

Like many major trucking companies, Stevens requires most new driver-employees to complete five to six weeks of on-the-job training with a seasoned driver before they can begin driving on their own. But Stevens also requires that applicants who are women must train with female instructors and, in turn, forbids women from training with male driving instructors. Because Stevens does not have enough female driving instructors, new women drivers are forced to sit on a “female waitlist” for many months to start a job with Stevens or they are *never* hired by Stevens. In contrast, male drivers head to the front of the line and start their jobs right away. What’s more, Stevens discourages women drivers from pursuing driving jobs with Stevens by telling them they will need to wait for a long time to start, deterring many women from submitting job applications.

This policy or practice is extraordinarily harmful to women truck drivers, who have faced hostility and sex discrimination in the trucking industry for as long as commercial trucks have rolled off the assembly line. Nearly 60 years ago Congress declared that women have the very same right to a job as men—whether they choose to be teachers, nurses, pilots, lawyers, *or truck drivers*. Yet today, women truck drivers still face intractable barriers to getting hired at trucking companies like Stevens *simply because they are women*. Stevens’ policy or practice blatantly violates Title VII of the

federal Civil Rights Act's ban on sex discrimination in hiring, training, recruiting, and employment. Nine years ago, the Equal Employment Opportunity Commission ("EEOC") and a federal court declared that when a trucking company applies a "same-sex training policy" it violates Title VII's ban on sex discrimination. *See, e.g., Equal Employment Opportunity Commission v. New Prime, Inc.*, 42 F. Supp. 3d 1201, 1213-14 (W.D. Mo. 2014). The same is true at Stevens today.

REAL Women in Trucking and its members are banding together and challenging a longstanding practice in the trucking industry that has prevented too many hard-working women from being hired as truck drivers and treated women drivers as second-class citizens.

Stevens Transport.

Stevens Transport is one of the largest refrigerated trucking companies in America. It employs thousands of truck drivers across the country annually, with over 100 satellite locations in the United States. And it operates one of the largest Commercial Driver's License ("CDL") training centers in the nation, with 16 truck driving schools in 10 states from Florida to Colorado that graduate more than 3,000 new drivers each year.¹ Stevens says that its drivers can earn \$70,000 in their first year and more experienced drivers can earn more than \$150,000. And Stevens provides medical, dental, and vision benefits, life insurance, 401(k) benefits, paid vacations, and long- and short-term disability. Stevens claims that it has never had a single layoff since the company was founded in 1980.

Stevens constantly advertises on its website and elsewhere that Stevens is hiring new drivers at all experience levels, including those with no driving experience who need to obtain a CDL license, drivers who have recently obtained a CDL but have less experience and need further training, and drivers who are very experienced. As Stevens states on its website:

Whether you're an experienced driver, or someone looking to start a new career, Stevens Transport has the best trucking jobs available in America. Stevens Transport doesn't just hire truck drivers, we do everything we can to ensure the success of our drivers! We wholeheartedly acknowledge that our driving force serves an irreplaceable role in the continued success of our company. As a family-owned trucking company, we consider our drivers an extended part of our family. Like a family, our mission here at Stevens Transport is to help each of our members find their fit within this diverse industry and advance their career.²

Stevens has provided trucking services for and has longstanding partnerships with some of the most well-known companies in the United States, including Coca-Cola, Pepsi, Whole Foods, Target, Tyson, Tropicana, General Mills, P&G, Johnson & Johnson, Kraft, Hershey's, Kellogg's, Pillsbury, and Purdue.³

¹ Federal Motor Carrier Safety Administration, Exemption Application: Commercial Driver's License Standards; Stevens Transport, Inc. (June 14, 2022), <https://www.regulations.gov/document/FMCSA-2022-0103-0002>

² Stevens Transport, Careers, <https://www.stevenstransport.com/careers/>.

³ Stevens Transport, BIG DREAM BIG CAREER (2017).

Stevens Transport’s Same-Sex Training Policy or Practice.

Notwithstanding Stevens’ claim that it treats all drivers like family members and helps each one advance in their careers, the company has erected a giant barrier that keeps women from being hired by Stevens and earning the solid paychecks that Stevens offers its drivers.

When Stevens hires new drivers who already have a CDL but lack sufficient truck driving experience (like the Complainants), the company requires those drivers to receive extensive over-the-road (“OTR”) training from an instructor who has more experience and who rides along with the new driver to show them the ropes. For a period of five to six weeks and 240 driving hours of OTR training, the new driver receives one-on-one training from an experienced driver who trains the new driver in various regions and terrains. The new driver is paid a modest weekly salary; and when the new driver has finished their OTR training, the new driver is assigned their own truck and drives on their own going forward. Stevens has trained drivers for decades. The company claims that 100% of its drivers are trained by Stevens and it has an excellent safety record because of its training program. The following slide from a presentation by Stevens describes the training process.



But Stevens has adopted and consistently applied a “same-sex trainer policy” in which women drivers can only receive training from women instructors and cannot receive training from men—even if a woman driver is willing to train with a male instructor to start the job sooner. Because Stevens ordinarily does not have enough women instructors to train women drivers, new drivers who are women must wait far longer than men to start their careers with Stevens—or women drivers are *never* hired by Stevens. In fact, Stevens maintains a “female waitlist” on which women drivers must wait for months, or even longer, to start their driving jobs with Stevens. In contrast, male drivers jump to the front of the line and start their training soon after they apply, and many months before women, because there are ordinarily male instructors who are available to train men. In addition, Stevens discourages women drivers from applying or continuing to pursue employment with Stevens by telling them that there’s a lengthy wait for women to start or that there is a hiring freeze for women drivers. As a result, many women do not formally apply to

drive for Stevens, or if they do apply, they often do not follow up about positions with the company after they are told that women will have to wait for months or longer to be hired.

The direct and predictable result of Stevens' same-sex training policy or practice is that qualified women drivers are substantially less likely to be hired than similarly situated qualified male drivers when they apply for driving positions at Stevens, and the women who are hired by Stevens experience a substantial delay in starting their positions. In both cases, women drivers who apply to Stevens lose out on pay, health insurance, and other benefits of employment that are provided to similarly situated men who are more likely to be hired or are hired sooner than women. But over time, this practice has a longer-term and more perverse impact on women drivers. By imposing this barrier to hiring women today, it means that in the future there will be fewer women drivers at Stevens who can train women drivers looking to start their careers at Stevens. In other words, the harms this policy imposes are self-perpetuating. In addition, because many new drivers start their careers at companies like Stevens and later move onto companies that require more extensive experience, Stevens' same-sex training policy or practice prevents women from getting the driving experience they need to obtain better jobs with greater compensation over time.

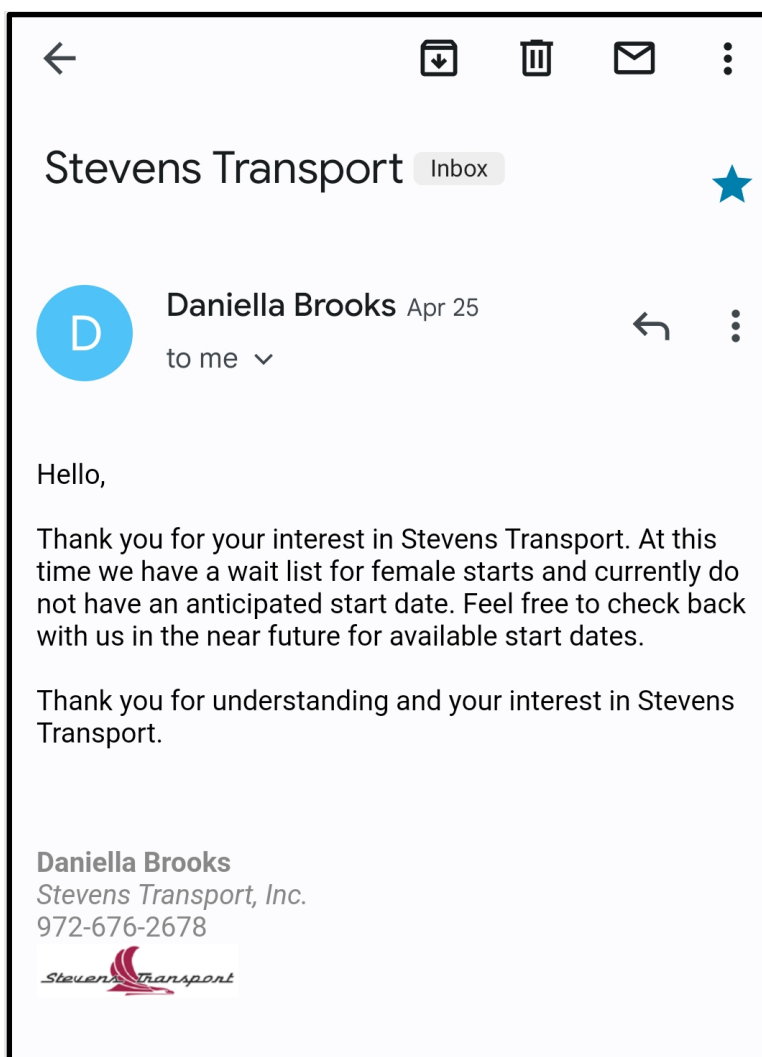
Complainants REAL Women in Trucking, Ashli Streeter, Kim Howard, and [REDACTED]

REAL Women in Trucking is a non-profit organization that was formed by seasoned female commercial-motor-vehicle drivers who saw the need for authentic representation for women in the trucking industry. REAL Women in Trucking is a member-based organization of women drivers, including women who aspire to be truck drivers, women starting their careers as drivers, and seasoned drivers. The organization encourages ethical corporate business practices and improved industry standards, especially the practice of treating people of all genders equally when it comes to hiring, training, paying, and promoting motor vehicle drivers. REAL Women in Trucking advocates to stop the discrimination, retaliation, sexual harassment, and assault that too many women face in the trucking industry. REAL Women in Trucking brings this charge for itself, its members, and all women drivers who have been denied equal opportunity in obtaining truck driver positions with Stevens.

Ashli Streeter is a 27-year-old woman, a truck driver, and a member of REAL Women in Trucking. In early May 2023, Ms. Streeter received her CDL license and began to apply for trucking positions throughout the country. On May 19 and June 1, 2023, Ms. Streeter applied to work at Stevens. She met all the requirements for a truck driver position at Stevens and was very interested in working there. Each time that she applied, Ms. Streeter called Stevens to inquire about the application she had just submitted. And each time she called, she was told the same thing by the Stevens representative: she was only allowed to train with a woman trainer, they did not have a woman trainer for her to train with, and therefore they could not hire her. During each call, Ms. Streeter stated that she would be willing to train with a man if that meant she could start right away, but she was told by the Stevens representatives that the company does not pair new women drivers with male trainers and that they are "required" to only pair a woman driver with a woman trainer. The Stevens representative did not explain what "required" this same-sex training policy. Because of Stevens' same-sex training policy, Stevens refused to hire Ms. Streeter. In mid-September 2023, Ms. Streeter called Stevens to ask for an update on the status of her application. She was told by a Stevens representative that her application had been denied. When she called back to speak with a different representative to ask about getting hired by Stevens, the Stevens representative said that the company did not have a trainer available to train her.

██████████ is a 33-year-old woman, a truck driver, and a member of REAL Women in Trucking. She received her CDL license in November 2022. Between November 2022 and April 2023, Ms. ██████████ applied to work for Stevens on at least two occasions. She met all the requirements for a truck driver position at Stevens and she was very interested in working there. When she applied in April 2023, she was attracted by a Stevens advertisement that said the company was hiring drivers for a “HOME DAILY” position, which “is an ideal job” for someone who is looking to be at their home after each workday. In addition, the job would have paid \$65,000 or more per year. This would have been a great fit for Ms. ██████████. Because she has two children and her spouse is also a truck driver, a “HOME DAILY” position would have allowed Ms. ██████████ to spend time with her family every night after her shift.

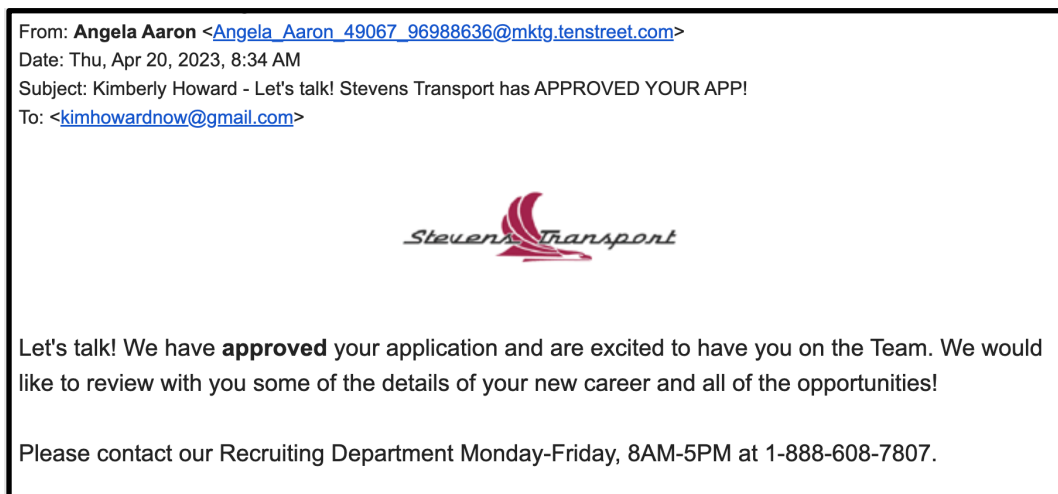
Unfortunately, Stevens did not respond to Ms. ██████████’s job applications. And on April 25, 2023, via an email from representative Daniella Brooks, Stevens informed Ms. ██████████ that she would not be hired anytime soon and that her start date could not be anticipated—because there is a “wait list for female starts.”



On May 8, 2023, Ms. ██████ sent a message to Ms. Brooks, asking her to speak about the position. And she repeatedly tried to call Ms. Brooks to speak about the position. But neither Ms. Brooks nor anyone else from Stevens responded to Ms. ██████'s inquiry or followed up with her after telling her about the "wait list for female starts." In May 2023, Ms. Brooks made a notation in the IntelliApp, which Ms. ██████ used to apply to Stevens, that "Currently we cannot move forward with your application due to our wait list. Please check back in the future for avail dates. Daniella@StevensTransport." Ms. ██████ was refused employment and/or had her potential employment delayed because of Stevens' same-sex training policy or practice.

Kim Howard is a 48-year-old woman, a truck driver, and a member of REAL Women in Trucking. After a successful career in the arts, Ms. Howard decided to make truck driving her second career. She had heard that there was a shortage of truck drivers and that one can make a good living as a truck driver. In April 2023, Ms. Howard earned her CDL license from a trucking school in New York City, and she then started to contact trucking companies to learn about their driving opportunities. Ms. Howard was willing to work in any region of the United States and understood that she might need to move to a different region to obtain her first commercial truck driving position.

On April 16, 2023, Ms. Howard submitted an application to Stevens Transport, and she met all the requirements for a truck driver position. On April 20, 2023, Stevens sent Ms. Howard the following email telling her that she had been approved for a driver position at Stevens.



Ms. Howard was excited to begin her career as a Stevens Transport truck driver. But when she called Stevens to learn about the next steps (as Stevens had requested in the email), she received shocking news. The Stevens representative told her that there was a waitlist for women drivers, because the company has a policy of only having women train women and there are not enough women trainers to train all the new women drivers who want jobs. Ms. Howard replied that she would be willing to train with a man if that meant she'd be starting right away. But the Stevens representative said that was not possible, that "there are no trainers male or female willing to train women trainees," and that she did not know how long it would take for Ms. Howard to get off the waitlist, but it would take at least many months.

After that call, Ms. Howard continued to receive periodic emails from Stevens telling her that Stevens had approved her for hire and to contact the company to schedule her training (including four messages between July 11 and July 20, 2023), such as the following e-mail:

----- Forwarded message -----

From: **Stevens Transport** <noreply@stevenstransport.com>

Date: Thu, Jul 20, 2023, 10:59 AM

Subject: Let's talk! You're approved for Paid CDL Training!

To: Kimberly <kimhowardnow@gmail.com>

[View this email in your browser](#)



NEW SOLO DRIVERS CAN EARN \$70,000+ A YEAR!

Our Largest Pay Increase in **43** Years!

2023 AUTOMATIC TRUCKS

A black and white photograph of a Stevens Transport semi-truck, showing the cab and the trailer with the company logo on the side.

We approved your application!

Congratulations! **Stevens Transport has approved you for hire!** Let's get you scheduled for Company Paid CDL Training or Orientation now! We have great opportunities for our new drivers!

**Earn \$70,000 your first year!
New 2023 Automatic Trucks!
Guaranteed Weekly Pay!**

Take the next step and call our Recruiting Department now! We can answer your questions, and get you scheduled!

**Speak to a Recruiter!
1-855-858-5791**

But when Ms. Howard called Stevens back, the answer was always the same. She could not start her job with Stevens, because there was not a woman trainer available to train her, and the company did not know when a woman trainer would be available to train her.

The last time that Ms. Howard called Stevens, in late July 2023, she once again explained that she was willing to train with a man and wanted to start her job with Stevens as soon as possible. But the Stevens' representative told Ms. Howard that the company has "no trainers for women" and that there are "no trainers male *or* female willing to train women." To date, Ms. Howard has not heard back from Stevens about getting off the waiting list or an anticipated start date.

Other Members of REAL Women in Trucking Have Further Documented Stevens' Discrimination Against Women.

Other members of REAL Women in Trucking have contacted Stevens Transport to learn about obtaining truck driver positions there and they received similar information from Stevens about its discriminatory policies and practices.

In May 2023, a REAL Women in Trucking member called and spoke with a Stevens' recruiter. The recruiter said that Stevens has "a waitlist to hire females until August or September," and confirmed that the lack of women trainers is why women are placed on a waitlist for months until a woman trainer is available to train them. When the member asked if she could be trained by a male trainer, the Stevens' representative said that was not possible and that she would need to submit her application now and get on the waitlist.

In June 2023, another REAL Women in Trucking member contacted Stevens to inquire about a driving position there. The representative told her that if she is hired she will face a delay that is “specially for females,” because Stevens does not “have enough female trainers for the influx of truck drivers that are showing up in the industry right now.”

Also in June 2023, a third REAL Women in Trucking member called Stevens and was told by the Stevens’ representative that the company has a “freeze on hiring women.” She was told that there was a freeze on hiring women because Stevens did not have enough female trainers and, for the safety of the women drivers, Stevens would not let men train female drivers.

Stevens Transport’s Same-Sex Training Policy or Practice and Denial of Jobs to Women Drivers Are Blatant Violations of Title VII of the Civil Rights Act.

Stevens’ discriminatory policies and practices are blatant violations of Title VII of the Civil Rights Act and equivalent state and local laws that make it unlawful for an employer “to fail or refuse to hire . . . any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s . . . sex,” 42 U.S.C. § 2000e-2(a)(1), or to “limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s . . . sex”. *Id.* § 2000e-2(a)(2).⁴ Stevens’ policy or practice denies and delays the hiring, training, and assignment of women to truck driver positions because of their sex, and it classifies, segregates, and limits the employment opportunities of women because of their sex.

In *Equal Employment Opportunity Commission v. New Prime, Inc.*, 42 F. Supp. 3d 1201 (W.D. Mo. 2014), the EEOC filed a Title VII lawsuit against New Prime, a trucking company that, like Stevens, had a “same-sex trainer policy” that delayed and denied the hiring of women truck drivers. *Id.* at 1206. The Court explained that “[t]he same-sex policy created a waiting list for females while none existed for males,” which meant that women would “remain on the waiting list for a year or more while men faced no such delay.” *Id.* at 1213. The Court easily concluded that this policy or practice was “facially discriminatory resulting in disparate treatment of female applicants and drivers,” and found “no difficulty concluding” that a trucking company like New Prime cannot establish an affirmative defense of a bona fide occupational qualification (“BFOQ”) based in its purported “safety” concern. *Id.* at 1213-14.

⁴ Those provisions include: Ala. Code §§ 25-1-20 *et seq.*; Ariz. Rev. Stat. Ann. §§ 41-1461 *et seq.*; Colo. Rev. Stat. Ann. §§ 24-34-40 *et seq.*; Conn. Gen. Stat. §§ 46a-51 *et seq.*; D.C. Code §§ 2-1401 *et seq.*; Fla. Stat. Ann. §§ 760.01 *et seq.*; Haw. Rev. Stat. Ann. §§ 378-1 *et seq.*; Idaho Code Ann. §§ 67- 5901 *et seq.*; 775 Ill. Comp. Stat. Ann. §§ 5/1- 101 *et seq.*; Iowa Code Ann. §§ 216.1 *et seq.*; Kan. Stat. Ann. §§ 44-1111 *et seq.*; Mass. Gen. Laws Ann. ch. 151B, §§ 1 *et seq.*; Md. Code Ann., State Gov’t §§ 20-101 *et seq.*; Minn. Stat. Ann. §§ 363A.01 *et seq.*; Mo. Ann. Stat. §§ 213.010 *et seq.*; Mont. Code Ann. §§ 49-2-303 *et seq.*; N.J. Stat. Ann. §§ 10:5-1 *et seq.*; Nev. Rev. Stat. Ann. §§613.310 *et seq.*; N.H. Rev. Stat. Ann. §§ 354-A:1 *et seq.*; N.M. Stat. Ann. §§ 28- 1-1 *et seq.*; , N.Y. Exec. Law §§ 290 *et seq.*; N.Y. Admin. Code § 8-101 *et seq.* Ohio Rev. Code Ann. §§ 4112.01 *et seq.*; 43 Pa. Stat. Ann. §§ 951 *et seq.*; 28 R.I. Gen. Laws Ann. §§ 28-5-1 *et seq.*; S.C. Code Ann. §§ 1-13-10 *et seq.*; Tex. Labor Code Ann. § 21.001 *et seq.*; Utah Code Ann. §§ 34A-5-101 *et seq.*; Va. Code Ann. §§ 2.2-3900 *et seq.*; Wash. Rev. Code §§ 49.60.10 *et seq.*, *id.* § 49.44.090; Wis. Stat. Ann. §§ 111.31 *et seq.*

As the Commission had explained in moving for summary judgment, “[New] Prime’s same-sex trainer policy treated men and women differently in making training assignments; men were assigned to readily available male trainers, but women were not. By refusing to assign women applicants to male instructors/trainers, [New] Prime denied women training and employment, but not men.” EEOC’s Brief in Support of its Motion for Partial Summary Judgment at 27-28, *EEOC v. New Prime, Inc.*, No. 11 Civ. 03367 (W.D. Mo. Mar. 3, 2014). This policy “constitute[d] a facially discriminatory policy akin to the policy invalidated by the Supreme Court in *International Union, UAW v. Johnson Controls, Inc.*, 499 U.S. 187 (1991),” where an employer had excluded all women “capable of bearing children” from jobs that could expose them to lead. *Id.* at 27.

The same is true here. Like New Prime, Stevens applies a same-sex training policy or practice that results in a waiting list for women—while none exists for men—and causes women to experience a substantial delay in being hired that men do not face. And many women are never hired at all by Stevens because of this policy or practice. Like New Prime, Stevens’ policy or practice is facially discriminatory and constitutes disparate treatment, because its policy or practice expressly turns on the sex of the applicant and this policy or practice causes women to have their employment denied or delayed. See *Bostock v. Clayton Cnty., Georgia*, 140 S. Ct. 1731, 1741 (2020); *Los Angeles Dep’t of Water & Power v. Manhart*, 435 U.S. 702, 711 (1978). As the Supreme Court recently reaffirmed in *Bostock*, “An individual employee’s sex is ‘not relevant to the selection, evaluation, or compensation of employees.’” *Bostock*, 140 S. Ct. at 1741 (quoting *Price Waterhouse v. Hopkins*, 490 U.S. 228, 239 (1989) (plurality opinion)).

For decades, the Supreme Court has made clear that sex-based classifications like Stevens’ policy or practice violate Title VII, irrespective of whether the employer’s classification is motivated by hostility toward women. In *Los Angeles Dep’t of Water & Power v. Manhart*, 435 U.S. 702 (1978), an employer charged women larger pension contributions than men because women on average live longer than men. But this sex-based classification “constitutes discrimination and is unlawful,” because it “does not pass the simple test of whether the evidence shows treatment of a person in a manner which but for that person’s sex would be different.” *Id.* at 711 (cleaned up). Furthermore, in *Manhart*, the Supreme Court “dismissed as irrelevant the employer’s insistence that its actions were motivated by a wish to achieve class wide equality between the sexes: An employer’s intentional discrimination on the basis of sex is no more permissible when it is prompted by some further intention (or motivation), even one as prosaic as seeking to account for actuarial tables.” *Bostock*, 140 S. Ct. at 1743 (citing *Manhart*, 435 U.S. at 708).

As in *Manhart*, where, but for their sex, the women employees would be paying lower pension contributions (*i.e.*, receiving better treatment), here but for their sex women drivers would be able to train with available male instructors and start working immediately, rather than lingering for months on a waiting list, being told to look elsewhere for work, or never being hired at all. Thus, Stevens’ policy or practice obviously fails *Manhart*’s “simple test”. “[P]ut differently,” because “changing the employee’s sex would have yielded a different choice by the employer—a statutory violation has occurred.” *Bostock*, 140 S. Ct. at 1741.

Furthermore, Stevens’ policy or practice is built on a series of sex-based stereotypes about how men and women act and interact with each other in the workplace, including (1) that women and men must not be alone together in the workplace, (2) that men cannot train women because they will act inappropriately, (3) that male instructors cannot be coached to instruct, train, or interact with women in an appropriate manner or otherwise be prevented from harassing female coworkers; (4) that women will always feel uncomfortable being trained by a man; (5) that women cannot be trusted to make their own decisions about the conditions in which they are willing to

work and must be protected from those decisions; and (6) that harassment by someone of the same sex cannot occur. The U.S. Supreme Court has held that “sex stereotyping” can give rise to a violation of Title VII’s ban on sex discrimination—when an employer “acts on the basis of a belief” about the appropriate role of men or women. *Price Waterhouse v. Hopkins*, 490 U.S. 228, 250 (1989).

Furthermore, as in *New Prime*, Stevens cannot establish a BFOQ affirmative defense. In evaluating whether sex is a “bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise,” 42 U.S.C. § 2000e–2(e)(1), the Supreme Court has “stressed that discrimination on the basis of sex because of safety concerns is allowed only in narrow circumstances,” and “the safety exception is limited to instances in which sex or pregnancy actually interferes with the employee’s ability to perform the job.” *Johnson Controls*, 499 U.S. at 202-04. Because a woman truck driver’s sex—or the sex of her trainer—does not interfere with the ability of the driver to do the job, New Prime could not claim a BFOQ defense. See *New Prime, Inc.*, 42 F. Supp. 3d at 1213-14. And just like the women applicants at New Prime, “the women who apply for positions at [Stevens] should be allowed to make their own decisions regarding their potential employment within the trucking industry.” *Id.* at 1214. Moreover, as the EEOC explained in *Prime*, courts have rejected BFOQ defenses where employers engaged in segregated training based on the sex-based stereotype that male trainers would be sexual predators. See EEOC’s Brief in Support of its Motion for Partial Summary Judgment at 33-34 (citing *Westchester County Corrections v. County of Westchester*, 346 F. Supp. 2d 527, 534 (S.D.N.Y. 2004)). Indeed, given how common sexual harassment in the workplace remains,⁵ were an employer’s desire to protect women from harassment sufficient justification for restricting women’s employment opportunities, almost any employer could assert that concern for women’s safety in the workplace provides a legal justification for their refusal to hire women. This is not the law.

Nor can Stevens claim that its same-sex trainer policy or practice is lawful because it denies men the opportunity to train with women, just as Stevens denies women the opportunity to train with men. First, it’s not clear that Stevens actually prohibits male drivers from training with women instructors. But even if that were true, the Supreme Court has held that it is not “a defense for an employer to say it discriminates against both men and women because of sex. This statute works to protect individuals of both sexes from discrimination, and does so equally.” *Bostock*, 140 S. Ct. at 1741. Moreover, male drivers uniformly benefit from the same-sex trainer policy or practice by being put right to work, while women drivers are almost always denied jobs or delayed in starting work because of this policy or practice.

Finally, Stevens has violated Title VII’s publication provision, 42 U.S.C. § 2000e-3(b), by publishing or causing to be published notices relating to truck driver positions that indicate a preference, limitation, specification, or discrimination based on sex. When Stevens has informed drivers in writing about its “wait list for female starts” or made similar references to the company having a female waitlist or sex-segregated training, Stevens has published notices relating to employment that indicate a preference, limitation, specification, or discrimination based on sex. *Id.*; see also 29 C.F.R. § 1604.5.⁶

⁵ Chai R. Feldblum & Victoria A. Lipnic, EEOC, Select Task Force on the Study of Harassment in the Workplace, 14 (2016) https://www.eeoc.gov/select-task-force-study-harassment-workplace#_Toc453686297

⁶ If Stevens’ policy or practice were not considered to be intentional discrimination, the policy or practice would still violate Title VII because it has a disparate impact on women drivers and cannot be justified by business necessity. See 42 U.S.C. § 2000e-2(a)(1)-(2), (k)(1).

Stevens Transport Can and Should Meet Its Obligations to Prevent and Address Sex-Based Harassment While Treating Women Equally in Hiring and Training.

It is feasible for Stevens and other trucking companies to hire, train, and assign women drivers without resorting to discriminatory same-sex training policies that cause women drivers to be denied positions or have their employment delayed for months or years.

Sex-based harassment, including sexual violence and other gender-based violence, are significant problems in the trucking industry—problems that REAL Women in Trucking and its members have combatted.

Segregating training based on sex, having separate “female waitlists,” and consequently limiting the opportunities of women is not the answer to this problem. Instead, Stevens and other companies can adopt a variety of strategies to protect all drivers including women, from discrimination, harassment, assault, and violence, including but not limited to:

- Providing comprehensive, industry-specific, and frequent training (at least annually) to prevent sex-based harassment, including sexual violence and other gender-based violence.
- Ensuring this training includes “bystander intervention” education programs for drivers and trainers, as well as recruiters and others.
- Providing clear, comprehensive, and safe reporting mechanisms for all employees, including drivers and trainees, and providing clear and comprehensive information to all employees about employer policies for investigating and responding to sex-based harassment.
- Ensuring that allegations of harassment are promptly investigated and that appropriate consequences are consistently and promptly levied when an employee has been found to engage in harassing behavior, up to and including termination.
- Providing separate sleeping accommodations for all employees, including trainers, trainees, and drivers when they are training together overnight, including hotels or motels.
- Recruiting and hiring more women trainers.
- Requiring male trainers to provide training to women drivers and terminating any male driver who refuses to provide training to women.
- Installing and using vehicular tools such as panic buttons and/or in-cab cameras.
- Establishing and/or providing 24-hour emergency hotlines for drivers and trainees.
- Regularly conducting climate surveys by a neutral third party.
- Regularly conducting evaluations of trainers by trainees. Evaluations should be reviewed when making decisions about promotion, compensation, discipline, etc.

The Complainants Bring this Charge on Behalf of a Nationwide Class and REAL Women in Trucking’s Members and Seek All Legal and Equitable Remedies.

The complainants bring this charge on behalf of all women truck drivers nationwide⁷ who have been denied equal opportunity in obtaining truck driver positions with Stevens Transport, including women drivers who had their employment delayed or denied or were discouraged from applying for truck driver positions by Stevens Transport (“the National Class”). In addition, complainant REAL Women in Trucking brings this charge on behalf of its members who have experienced the same denial of equal opportunity by Stevens Transport in obtaining truck driver positions.

The Complainants seek all available remedies, including injunctive relief and damages, that are available to them, the members of REAL Women in Trucking, and any members of the proposed Class, based on Title VII and all state and local laws that prohibit sex discrimination in employment throughout the nation.

This charge is intended to exhaust all class and individual disparate treatment, disparate impact, and publication claims on behalf of the National Class for all women who have been denied employment opportunities by Stevens, including women who applied and women who were deterred from applying by Stevens, and to piggyback on any prior charges filed against Stevens regarding the same or similar practices challenged in this charge.

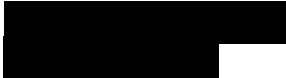
Dated: October 5, 2023

Respectfully Submitted,

/s / Desiree Wood
Desiree Wood
President, REAL Women in Trucking

/s / Kim Howard
Kim Howard

/s / Ashli Streeter
Ashli Streeter



⁷ Complainants intend to include all people who identify as women in this class, even those who may not have had their sex assigned female at birth.